

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TIMOTHY W. BRACCINI :

*Plaintiff* :

- vs- :

METRO-NORTH COMMUTER  
RAILROAD :

*Defendant* :

----- X

07 Civ. 2997 (SAS)

**SCHEDULING ORDER**

7/2/07

WHEREAS, the Court issued an Order for a conference in accordance with Fed. R. Civ. P.16(b) on July 2, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

1). The date of the conference and the appearances for the parties;

July 2, 2007; Rudolph V. DeGeorge, II, Esquire for plaintiff, Michael H. Zhu, Esquire for plaintiff; Jose R. Rios, Esquire for defendant.

2). A concise statement of the issues as they then appear;

Whether defendant was negligent; whether defendant's negligence caused in whole or in part plaintiff's injuries; whether plaintiff was contributorily negligent; whether plaintiff's negligence was a proximate cause of his own injuries.

3). A schedule including:

a). The names of persons to be deposed and a schedule of planned depositions;

Plaintiff, Timothy Braccini; Ray Schrader; Edward Coppa; Angelo Golino; R. Weiss; no later than September 30, 2007.

b). A schedule for the production of documents;

No later than August 31, 2007.

c). Dates by which (i) each expert's report will be supplied to the adverse side and (ii) each expert's deposition will be completed;

(i) plaintiff's expert's reports regarding liability no later than October 15, 2007; defendant expert's report no later than November 4, 2007;

(ii) expert depositions to be completed no later than November 30, 2007.

d) Time when discovery is to be completed;

November 2, 2007.

e) The date by which plaintiff will supply its pre-trial order matters to defendant;

December 31, 2007.

f) The date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

January 15, 2008

g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled by the Court at the conference.

Nov. 29 at 4<sup>30</sup>

4). A statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

Not applicable.

5). A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

Not applicable.

6). Anticipated fields of expert testimony, if any;

Liability, damages (medical)

7). Anticipated length of trial and whether to court or jury;

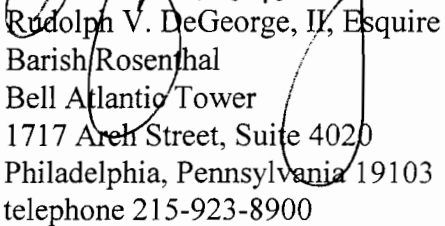
3-4 days; jury

8). A statement that the Scheduling Order may be altered or amended only on a showing or good cause no foreseeable at the time of the conference of when justice so requires;

The Scheduling Order may be altered or amended only on a showing of cause not foreseeable at the time of the conference, or when justice so requires.

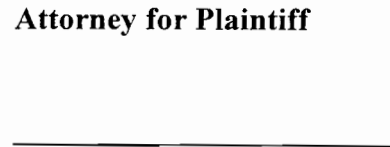
9). Names, addresses, phone numbers and signatures of counsel;

**Attorney for Plaintiff**



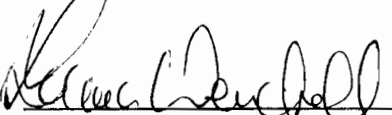
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**Attorney for Plaintiff**




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**Attorney for Defendant**



~~Jose R. Rios, Esquire~~ JONAH WENCHELL  
347 Madison Avenue  
New York, New York 10017  
telephone 212-340-3000

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

7/2/08